



# **BLACKTAIL HAZARDOUS FUELS PROJECT**

## **DECISION NOTICE & FINDING OF NO SIGNIFICANT IMPACT**

**USDA FOREST SERVICE**  
**CLEARWATER RANGER DISTRICT, NEZ PERCE NATIONAL FOREST**  
**IDAHO COUNTY, IDAHO**

### **1.1 DECISION AND REASONS FOR THE DECISION**

In June of 2004, the Nez Perce National Forest proposed to reduce wildland fire threats and initiate restoration of fire-adapted ecosystems in the wildland urban interface on 16,561 acres using timber harvest, pre-commercial thinning, understory slashing, and prescribed burning within the Blacktail Fuels Reduction Project Area.

This action is needed because current vegetative and fuel conditions consist of heavy surface fuel loadings, multiple tree canopy layers (ladder fuels), and dense timber stands, usually associated with a Fire Behavior Fuel Model (FM) 10. Wildland fires occurring in Fuel Model 10 have high resistance to control due to greater flame lengths characteristic of this fuel model compared to the other timber litter models. Additionally, in recent years, an increase in home building has occurred within and adjacent to the project area, creating an urban interface that is at high risk to wildland fire. Much of the Blacktail Fuels Reduction project area lies within 1½ miles of the communities of Harpster, Clearwater and Mount Idaho. The northern and western perimeter of the project area borders private land for 22 miles with an additional 3,122 acres of private land within the Forest protection boundary. Also of concern is the 2,300-acre municipal watershed in Wall Creek located on Forest Service System land, adjacent to the Forest boundary.

Consistent with the National Fire Plan, the Idaho County Wildfire Mitigation Plan (ICWMP) emphasizes making Idaho County less vulnerable to the negative effects of wildland fires through the effective administration of wise and efficient fuels treatments. The ICWMP identifies the need for thinning, pruning, and prescribed burning to reduce fuel accumulations within the Blacktail Fuels Reduction project area due to the poor ingress/egress and lack of adequate escape routes to the communities of Clearwater and Harpster, and the potential ignition sources, such as lightning, the amount of recreational activity, and the intense use of mechanized equipment in the area. The ICWMP also identifies the Wall Creek Municipal Watershed, within the Blacktail Fuels Reduction project area, as a high priority for fire mitigation treatments.

The Blacktail Fuels Reduction Environmental Assessment (EA) documents the analysis of two alternatives designed to meet this need, plus the “No Action” alternative developed consistent with the NEPA.

This Finding of No Significant Impact (FONSI) and Decision Notice (DN) hereby incorporate by reference the Blacktail Fuels Reduction Environmental Assessment (EA) and the Blacktail Fuels Reduction Supplement and Errata List. The EA and Supplement and Errata List contain analysis and documentation used to support my decision and conclusions in this FONSI and DN.

#### **Healthy Forests Restoration Act**

This project was developed and analyzed consistent with the Healthy Forests Restoration Act of 2003 (HFRA), which was designed to expedite the preparation and implementation of hazardous fuels reduction projects on federal lands that are at risk from wildland fire or insect and disease epidemics. HFRA also requires collaboration with the interested public in developing projects. Section 1.5.4 of the EA documents compliance of the Blacktail Fuels Reduction project with the HFRA.



### Objection Process

This project is subject to the objection process pursuant to 36 CFR Part 218 Subpart A and was not subject to notice, comment, and appeal procedures under 215 (218.3). The Nez Perce National Forest provided respondents with a 30-day objection period. One objection was received from the Idaho Conservation League, and a second objection was received from Friends of the Clearwater and Alliance for the Wild Rockies. The objections were reviewed pursuant to procedures under 36 CFR 218.10. On October 24 2007, Kathleen McAllister, the Objection Reviewing Officer, issued a letter to the Idaho Conservation League, Friends of the Clearwater, and Alliance for the Wild Rockies describing the findings of the review. The Objection Reviewing Officer provided instructions to me in response to the objections. Adjustments, and additional analysis to the Blacktail Fuels Reduction project have been made as a result and as directed by the Objection Reviewing Officer, and are reflected in the *Supplement and Errata List* and/or as part of my Decision.

### 1.1.1 DECISION

Based upon my review of the effects analysis documented in the EA, the objections, and the public comments received throughout the process, I have decided to implement **Alternative 3** which would reduce wildland fire threats and initiate restoration of fire-adapted ecosystems using timber harvest, pre-commercial thinning, and prescribed fire on a total of 15,706 acres. These planned treatments would reduce the risk of future severe wildfire within the project area. 11.4 to 15.9 MMBF of sawtimber would be produced as a result of the fuels reduction. No temporary roads would be constructed to facilitate activities. No timber harvest activities would occur on high risk landslide prone areas.

When compared to the other action alternative, this alternative responds to public concerns and further analysis related to implementing activities in landslide prone areas, effects to soil productivity and stability, impacts to the Wall Creek municipal watershed, watershed issues in general, and construction of temporary roads. This alternative addresses the purpose and need for the project using commercial timber harvest, pre-commercial thinning, and prescribed fire to achieve project objectives.

This alternative meets requirements under the Nez Perce National Forest Plan (USDA Forest Service 1987) direction as amended by PACFISH (Interim Strategies for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California) (USDA Forest Service and USDI Bureau of Land Management 1995). This alternative meets requirements under the National Forest Management Act (NFMA) and implementing regulations in 36 CFR 219, and 16 U.S.C. 1604, the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) implementing regulations under 40 CFR 1500-1508; the National Historic Preservation Act (NHPA) and implementing regulations under 36 CFR 800; the Clean Water Act (Federal Water Pollution Control Act) together with implementing regulations under 40 CFR 130; the Endangered Species Act of 1973, as amended (P.L. 96-159 1531(c)) (ESA) and implementing regulations pursuant to 50 CFR 402.06 and 40 CFR 1502.25, and the Clean Air Act (CAA) and implementing regulations in 40 CFR 50 .

Alternative 3 requires one site specific, non-significant Forest Plan Amendment, as follows. I have evaluated the analysis contained in Appendix D of the EA, and concluded that the following, site-specific amendment to the Nez Perce National Forest Plan for the Blacktail Fuels Reduction project, described in detail below, does not constitute a significant amendment to the Nez Perce National Forest Plan. This conclusion is based on the following factors, outlined in Appendix D:

- The size of the area, potentially affected by the amendment is limited (9 units, .01 percent of the Nez Perce NF).
- The amendment is consistent with the goals and objectives of the Nez Perce Forest Plan.
- The amendment is only applicable to areas within, and temporal scale of, the Blacktail Analysis area and project.



## **AMENDMENT-SOILS**

### **Nez Perce National Forest Land and Resource Management Plan Site-Specific Amendment to Soil Quality Standard #2 For The Blacktail Fuels Reduction Project Area**

The purpose of this amendment is to allow hazardous fuels reduction activities in areas that currently exceed Forest Plan Soil Quality Standard #2. The Nez Perce National Forest Soil Quality Standards (Forest Plan II-22) apply to lands in the Blacktail Fuels Reduction project area. Soil Quality Standard #2 reads as follows:

*"A minimum of 80 percent of an activity area shall not be detrimentally compacted, displaced, or puddled upon completion of activities. This direction does not apply to permanent recreation facilities and other permanent facilities such as system roads"*

The following amendment is adopted, specific to the Blacktail Fuels Reduction project area:

*"Where detrimental soil conditions from past activities affect 15 percent or less of the activity area, a cumulative minimum of 85 percent of the activity area shall not be detrimentally compacted, displaced, or puddled upon completion of activities.*

*"Where detrimental soil conditions from past activities affect more than 15 percent of the activity area, the cumulative detrimental soil disturbance from project implementation and past activities shall not exceed the conditions prior to the planned activity and shall provide a net improvement in soil quality."*

## **1.1.2 OTHER ALTERNATIVES CONSIDERED**

In addition to the Alternative 3, I considered two other alternatives. A comparison of these alternatives can be found in the EA on pages 2-42 thru 2-47.

### **Alternative 1**

#### *No Action*

Alternative 1 (no-action) does not include activities to reduce wildland fire threats or to restore fire-adapted ecosystems. Current management of the area would continue as directed in the Forest Plan, but no new activities would occur as a result of this alternative. No vegetative management, or road, watershed, or wildlife habitat improvements would occur.

### **Alternative 2**

#### *Proposed Action*

Alternative 2 would reduce wildland fire threats and initiate restoration of fire-adapted ecosystems using timber harvest, pre-commercial thinning, and prescribed fire on a total of 16,561 acres. The planned treatments would reduce the risk of future severe wildfire within the project area. 13.7 to 19.1 MMBF of sawtimber would be produced as a result of the fuels reduction. Alternative 2 would require one site specific, non-significant Forest Plan Amendment. Four miles of temporary road would be constructed to facilitate activities, and then obliterated following use.



### 1.1.3 PUBLIC INVOLVEMENT

As described in the EA, the Clearwater Ranger District initiated the Blacktail Fuels Reduction Project in 2001. The project description has been included in the Forest's Quarterly Schedule of Proposed Actions from 2001 to the present. The proposal was provided to the public and other agencies for comment during scoping in June 2001, July 2002, and June 2004, and on June 22, 2004, the Clearwater Ranger District conducted a public open house in Grangeville, Idaho, at the Clearwater Ranger District Office. Additional information on public involvement can be found in Chapter 4 of the EA. The complete record of the public involvement process is available for review in the Project File.

Using the comments from the public, numerous individuals, landowners, interested groups, nongovernmental organizations, Tribal representatives, and representatives of federal, state, and local agencies (see Section 2.2 of the EA), the interdisciplinary team identified several issues regarding the effects of the proposed action. The main issues of concern included soil resources, watershed, fisheries, wildlife, rare plants, weeds and non-native vegetation, air quality, heritage resources, recreation and scenery management, transportation system, and socio-economics (see EA, pages 2-19 to 2-24). To address these concerns, the Forest Service created Alternative 3 described above.

## 1.2 FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

### ***1. MY FINDING OF NO SIGNIFICANT ENVIRONMENTAL EFFECTS IS NOT BIASED BY THE BENEFICIAL EFFECTS OF THE ACTION.***

The EA includes effects discussions for resources that could be affected through implementation of the Alternative 3. Potential adverse effects have been identified (EA, Chapter 3), disclosed and mitigated through development of project and unit specific design and mitigation measures (EA, pages 2-35 to 2-41). While the overall effect of implementing Alternative 3 is expected to be beneficial, the specific direct, indirect and cumulative effects will be within standards set forth by the Nez Perce Forest Plan, and consistent with applicable environmental law(s) (EA, pages 3-82, 3-99, 3-125 to 3-138, 3-196, 3-305 to 3-306, 3-312, 3-317, 3-226 to 3-227, 3-355, 3-356, 3-271 to 3-272, 3-298, 3-305 to 3-306, 3-312, 3-317, 3-331, 3-344 to 3-347, 3-352 to 3-353, 3-355 to 3-356).

### ***2. THERE WILL BE NO SIGNIFICANT EFFECTS ON PUBLIC HEALTH AND SAFETY.***

Alternative 3 will have no significant adverse effects on public health and safety.

#### Air Quality

Design Measures 12 and 13 (EA, page 2-37) address, both programmatically and site-specifically, how effects to air quality will be minimized during prescribed burning operations. Adherence to procedures outlined in the North Idaho Smoke Management Memorandum of Agreement will help prevent any adverse impacts to air quality by restricting prescribed burning operations to times and conditions when smoke dispersal would be optimal (EA, page 3-311).

#### Wall Creek Municipal Watershed

Forest Plan direction and Idaho Water Quality Standards will be met through implementation of Design Measure 8 (EA, page 2-36) and other proposed activities, including road decommissioning, road reconditioning and soil restoration (EA, Appendix G, page G-5). The modeled post-treatment sediment loads show a decrease of 7% following completion of proposed activities.



**3. *THERE WILL BE NO SIGNIFICANT EFFECTS ON UNIQUE CHARACTERISTICS OF THE AREA.***

There are no unique characteristics of the geographic area that would be adversely affected by Alternative 3 action.

**Heritage Resources**

Design Measures 22 and 23 (EA, page 2-38), as well as Mitigation Measures K and M (EA, page 2-41) ensure protection of all historic and/or prehistoric sites during project layout and implementation.

**Eligible Wild and Scenic Corridor**

Implementation of Mitigation Measure L (EA, page 2-41) will ensure compliance with Forest Plan standards. Adopted visual quality objectives and scenic integrity levels will be met (EA, page 3-331).

**4. *THE EFFECTS ON THE QUALITY OF THE HUMAN ENVIRONMENT ARE NOT LIKELY TO BE HIGHLY CONTROVERSIAL.***

The effects on the quality of the human environment are not likely to be highly controversial. No highly controversial issues were identified during scoping or the collaborative efforts with the interested publics. Numerous public comments were received during the scoping process and the 30-day objection period (Project Record, 2.g.i-0018 to 2.g.i-0024, 2.g.ii-0001 to 2.g.ii-0005, 2.g.ii-0010 to 2.g.ii-0029, 2.g.iii-0003-0021, and 2.h-0002 to 2.h-0005). The majority of the comments were in support of the project (EA, page 1-14). Two objections were filed during the official objection period, focusing on the effects to water quality and fisheries habitat.

**5. *THE FOREST SERVICE HAS CONSIDERABLE EXPERIENCE WITH THE TYPES OF ACTIVITIES TO BE IMPLEMENTED. THE EFFECTS ANALYSIS SHOWS THE EFFECTS ARE NOT UNCERTAIN, AND DO NOT INVOLVE UNIQUE OR UNKNOWN RISK.***

Alternative 3 does not contain effects that are highly uncertain or involve unique or unknown risk. Design measures (EA, pages 2-36 to 2-39) will be incorporated during project layout and implementation, to avoid and/or minimize known risks associated with the project. Mitigation measures (EA, pages 2-40 to 2-41) will be employed where unexpected situations arise that could potentially have a detrimental effect on resources.

Alternative 3 was developed using extensive field surveys and reconnaissance, incorporation of pertinent research (EA, Appendix A) and collaboration with interested publics. Each applicable regulatory agency has issued a letter of concurrence (Project Record, 3.a-0019, and 3.a-0020), consistent with the effects analysis determinations.

**6. *THE ACTION IS NOT LIKELY TO ESTABLISH A PRECEDENT FOR FUTURE ACTIONS WITH SIGNIFICANT EFFECTS.***

Alternative 3 will not set a precedent for future actions with significant effects. The proposed activities are similar in nature and effects to many other projects in the immediate area and are consistent with the Nez Perce National Forest Plan (EA, pages 3-50 to 3-63, 3-312, 3-317, 3-196, 3-227, 3-272, 3-305 to 3-306, and 3-226 to 3-227). This action does not represent a decision in principle about a future consideration.

**7. *THE CUMULATIVE IMPACTS ARE NOT SIGNIFICANT.***

The effects of Alternative 3 combined with the effects of past, present, and reasonably foreseeable actions will not have any significant cumulative effects. The proposed action would have no unfavorable cumulative effects on forest fuels (EA, pages 3-81 to 3-82), vegetation (EA, pages 3-98 to 3-99), rare





plants (EA, pages 3-297 to 3-298), heritage resources (EA, page 3-317), recreation and scenery management (EA, page 3-330), transportation system (EA, pages 3-343 to 3-344), and socio-economics (EA, page 3-352).

For the following resources (soils, watershed, fisheries, wildlife, weeds and non-native vegetation, and air quality), the proposed action may contribute to effects from past, present and reasonably foreseeable actions, but the cumulative effects would not be significant.

### **SOILS**

#### SOIL COMPACTION AND DISPLACEMENT (EA, PAGES 3-115 TO 3-117, AND 3-138,)

Mitigation and restoration associated with the project will limit soil compaction and displacement, consistent with Forest Plan standards, or contribute to an improving soil condition as directed in the Region 1 guidelines for proposed timber harvest units. This would reduce the likelihood of cumulative effects to long-term soil productivity, reduction of site growing potential and introduction of weeds through disturbance. Additional soil restoration, decommissioning of old roads and landings, and addition of organic matter to restored sites would also reduce the extent of cumulative effects within the project area. Recontouring of all temporary roads would also reduce long-term cumulative effects.

#### MASS EROSION (EA, PAGE 3-121)

Alternative 3 includes design measures that restrict timber harvest intensity on areas with a moderate landslide risk, including site-specific tree marking to retain 50 percent or more of the basal area with healthy large trees spaced across the slope to promote slope stability.

Alternative 3 does not harvest timber on high-risk landslide prone acres. All timber harvest on steep slopes consists of thinning prescriptions using helicopter or skyline logging systems, where there would be little to no surface soil disturbance; therefore slope stability would not be affected. No temporary roads are proposed for Alternative 3.

Existing roads cross moderate and high landslide prone slopes. These roads were mapped as low, moderate, or high aquatic concern. Decommissioning, improvement, or stabilization of selected roads would reduce long-term cumulative effects for erosion and sediment, and landslide risk within the watersheds, potentially restoring watershed processes on a landscape level.

#### SURFACE AND SUBSURFACE EROSION (EA, PAGES 3-123 TO 3-124)

63 acres of timber harvest are planned on soils with high-risk for surface erosion. There should be no long-term cumulative effects because the design and mitigation measures shown in Tables 2-2 and 2-3 in Chapter 2 of the EA would be used to keep surface soils intact.

#### NUTRIENT LOSS (EA, PAGE 3-141)

The proposed whole tree yarding under Alternative 3 would provide less cumulative effect on long-term soil productivity than piling slash with an excavator after logging, because it only requires one ground based entry, thus reducing long-term cumulative effects on tractor units. There should be no long-term cumulative effect on nutrients on skyline and tractor logged thinning units proposed for underburning. The extent of any effects would depend on weather and fire behavior associated with implementation of a site specific burn plan prescription.

#### LARGE WOOD LOSS (EA, PAGE 3-143)

For the project area, past actions such as fires and salvage logging in Earthquake Basin, and large clearcuts in the 1950s and 1960s in Wall Creek, Sears Creek, Green Creek, Lightning Creek, and the smaller watersheds have cumulatively affected soil wood. By following recommended large wood guidelines found in Table 3-29 (EA, page 3-143), and the guidelines for standing trees, snags and green trees in Table F-3 (EA, page F-3), the prescriptions for the proposed timber harvest units will meet current guidelines for soil wood maintenance, and few cumulative effects will result from proposed and future treatments.



### Watershed

#### STREAM CHANNEL MORPHOLOGY AND RIPARIAN CONDITION OF 6TH CODE WATERSHEDS (EA, PAGE 3-172)

Historically, the activity which has affected stream channel morphology the most in the Blacktail Fuels reduction watersheds has been road building. We will decommission 17.6 miles of road in the project area, bringing the remaining balance to approximately 142 miles.

#### WATERSHED CONDITION (EA, PAGE 3-174)

Cumulative effects may occur at the watershed scale where high road densities in watersheds contribute sediment over long periods of time in the watershed, affecting vegetation dynamics, invasive species, runoff, and sediment regimes. As mentioned above, 17.6 miles of road decommissioning will reduce the total miles to approximately 142.

#### WATER YIELD (EA, PAGES 3-176 TO 3-179)

The Equivalent Clearcut Area (ECA) for the South Fork Clearwater subbasin peaked at about 20 percent in the decade of 1910, associated with the large wildfires of the era. ECA associated with timber harvest and road construction after 1950 has not exceeded about 10 percent and has been gradually recovering in recent years. The general ECA trends and levels are a useful indicator of overall subbasin conditions, relative to vegetative changes and water yield increases.

The Blacktail Fuels reduction project analysis predicts a slight increase to just over seven percent ECA, followed by a gradual decrease to slightly lower than existing conditions. Most of the mechanical fuel treatment in this project is commercial thinning, which leaves approximately 50 percent of the basal area of the timber stand, producing small increases in ECA in the watersheds. Landscape level prescribed burning in the watersheds would have less than 15 percent canopy mortality, increasing ECA only slightly.

#### SEDIMENT YIELD (EA, PAGES 3-188 TO 3-193)

Activities associated with Alternative 3 may contribute to and/or reduce cumulative sediment yield in the South Fork Clearwater River downstream of the project area, dependant on the analysis timeframe. The NEZSED model was used to calculate the predicted cumulative effects sediment yield based on the proposed timber harvest, road construction, road maintenance, and road reconstruction. As discussed in the water yield cumulative effects section, additional sedimentation is expected to be short-term, and improvements in watershed condition over time would contribute to improved conditions in the river, assuming concurrent negative impacts do not occur off National Forest System lands.

#### WATER QUALITY (EA, PAGES 3-194 TO 3-195)

Alternative 3 is not expected to have a noticeable effect on water temperature in the South Fork Clearwater River. This is because stream shade is not being reduced and channel morphology changes resulting in wider, shallower channels are not anticipated. Over time, shade and channel morphology in the project area should improve with implementation of the riparian and in-stream improvements. The effect on water temperature in the South Fork Clearwater River related to these improvements would be subtle and would occur over a long period of time.

The South Fork Clearwater River was analyzed for cumulative effects, including an effort to quantify sediment yield increases. In general, sediment yield conditions have probably improved in recent years. This is partly because the level of activity, particularly road building on federal lands has been substantially less since the decades of the 1950s through the 1980s. Additionally, dredge and placer mining have been substantially reduced since the 1950s. A number of watershed and fisheries restoration projects have occurred within the South Fork Clearwater River subbasin, and other proposed timber sales and fuels projects on National Forest System lands are subject to similar mitigation and upward trend requirements as the proposed Blacktail Fuels Reduction project.

Alternative 3 provides for an upward trend in aquatic conditions for below objective watersheds, and for the South Fork Clearwater River Total Maximum Daily Loads (TMDLS) for sediment and water temperature. Given these actions, aquatic conditions should continue to improve in the South Fork Clearwater River, when considered at the Forest Boundary near the Mount Idaho Bridge. General



warming of the climate (Mote et al. 2003) may ultimately preclude reductions in water temperature over the next several decades, even though streamside shade should improve over time.

### Fisheries (EA, pages 3-224 to 3-226)

In summary, the EA documents a slight increase in sediment yield for Alternative 3 in the year of implementation of mechanical fuel treatments, a small reduction the following year with the implementation of restoration, and another slight increase from prescribed burning in five years after mechanical fuel treatments. On-going and foreseeable projects would increase sediment yield about two percent in the year after implementation of the mechanical fuel treatments, but the yield would drop slightly below existing in four years after initial implementation of Alternative 3, and increase slightly five years after initial implementation, with a quick recovery to slightly below existing in the next three years.

When natural, Alternative 3, and pre-existing sediment yield estimates are added, the estimated contribution from Blacktail watersheds ranged from 12.6 to 12.8 percent. Increases or decreases of this magnitude would generally not affect fish habitat in the South Fork Clearwater River, even when considered in conjunction with other activities in the subbasin.

Because stream temperatures in Blacktail project area watersheds would not be appreciably affected by thinning or prescribed burning activities, no cumulative effects to temperature in the South Fork Clearwater River are expected.

### Wildlife

Alternative 3 activities may cumulatively affect, but are not likely to adversely affect:

- CANADA LYNX (EA, PAGE 3-236, SUPPLEMENT AND ERRATA LIST, PAGE 14, PROJECT RECORD, 5.A-0008)
  - The Blacktail Fuels Reduction project area does not contain key lynx habitat, but lynx have been reported in the area.
- BALD EAGLE (EA, PAGES 2-37 TO 2-38, 2-40, AND 3-237, SUPPLEMENT AND ERRATA LIST, PAGE 14, PROJECT RECORD, 5.A-0008)
  - Design and mitigation measures (buffering wintering areas, maintaining large trees and snags, notifying Unit Biologist of bald eagle sightings, evaluating nest trees for retention) would prevent adverse direct and cumulative impacts.

Alternative 3 activities are not likely to jeopardize the continued existence of the following species:

- GRAY WOLF (EA, PAGES 2-37 TO 2-38, 2-40, AND 3-237, SUPPLEMENT AND ERRATA LIST, PAGE 14, PROJECT RECORD, 5.A-0008)
  - Alternative 3 is not likely to jeopardize the continued existence of the species because design and mitigation measures (notifying Unit Biologist of wolves/home sites sightings, limiting spring burning to minimize impacts on denning, and coordinating with the Nez Perce Tribe) would prevent adverse direct and cumulative impacts.

Alternative 3 activities may impact individuals or habitat, but would not likely result in a trend toward federal listing or reduced viability for the population or species.

- WHITE-HEADED WOODPECKER, FLAMMULATED OWL, MOUNTAIN QUAIL, PYGMY NUTHATCH, RINGNECK SNAKE, HARLEQUIN DUCK, WESTERN TOAD, BLACK-BACKED WOODPECKER, FRINGED MYOTIS (EA, PAGES 2-38, 3-244, 3-245 TO 3-246, 3-247 TO 3-248, 3-249, 3-250 TO 3-251, 3-256 TO 3-257, 3-257, 3-259, AND 3-261, SUPPLEMENT AND ERRATA LIST, PAGE 15, PROJECT RECORD, 5.A-0008)
  - The mechanical fuel treatment activities could potentially disturb these species and could add to cumulative habitat loss for the black-backed woodpecker and the fringed myotis. The proposed underburning could also add to cumulative effects for the ringneck snake and nesting birds if implemented in the spring. Design measures (limiting spring prescribed burning) would prevent adverse direct and cumulative impacts.





- GOSHAWK (EA, PAGES 2-37 TO 2-38, 2-40, AND 3-254, SUPPLEMENT AND ERRATA LIST, PAGE 15, PROJECT RECORD, 5.A-0008)
  - The mechanical fuel treatment activities proposed in mesic habitats could lead to additional habitat loss and disturbance of goshawks. Underburning could also add to cumulative negative effects for goshawks in breeding and nesting seasons if implemented in the spring. Design measures (notifying Unit Biologist of goshawk or nest sightings, limiting spring prescribed burning, buffering goshawk nests) would prevent adverse direct and cumulative impacts.
- FISHER (EA, PAGES 2-38, AND 3-255, SUPPLEMENT AND ERRATA LIST, PAGE 15, PROJECT RECORD, 5.A-0008)
  - The mechanical fuel treatment activities proposed in mesic habitats could lead to additional habitat loss and disturbance of fisher. Underburning could add to cumulative negative effects for fisher in breeding and denning seasons if implemented in the spring. Design measures (limiting spring prescribed burning) would prevent adverse direct and cumulative impacts.

Alternative 3 activities, with incorporated design measures, would prevent adverse direct and cumulative impacts to the following species:

- AMERICAN MARTEN (EA, PAGES 3-261 AND 3-263)
- PILEATED WOODPECKER (EA, PAGES 3-261 AND 3-264 TO 3-265)
- SHIRA'S MOOSE (EA, PAGES 3-261 AND 3-266)
- ELK (EA, PAGES 3-261 AND 3-268)
- NEOTROPICAL MIGRATORY BIRDS (EA, PAGES 3-261 AND 3-271)

### Weeds and Non-Native Vegetation (EA, page 3-305)

Past and present disturbances associated with vegetative treatments, added to reasonably foreseeable actions, could increase the rate of weed expansion due to increased distribution of weed seed, ground disturbance, and creation of spread corridors. The degree of the cumulative effect would vary depending upon the number of entrances over time, the distribution of disturbance across the project area, and the acres disturbed. The potential cumulative effects produced by Alternative 3 on an increase in the rate of weed expansion would be mitigated with the implementation of the applicable design and mitigation measures as outlined in Chapter 2 of the EA (Tables 2-2 and 2-3).

These potential cumulative effects are not significant. The Annual Operating Plan for 2007 for the Clearwater Basin Weed Management Area South Sub-Basin, which includes the South Fork Clearwater River, did not identify a need for treatment of invasive weeds with an eradicate objective within the Blacktail Fuels Reduction project area. Fuels treatment using timber harvest and thinning activities would occur predominately in the lower risk weed expansion sites and are not expected to expand weed populations. The proposed vegetation treatments, transportation actions, and prescribed burning, with proper design and mitigation measures, will not be expected to expand weed populations, thereby limiting the potential for cumulative effects.

### Air Quality (EA, page 3-311)

Present and future activities associated with wildland fire and prescribed fire may cumulatively affect air quality, if they occur simultaneously with the proposed prescribed burning, road related activities, and logging operations. However, fuel managers would comply with the procedures outlined in the North Idaho Smoke Management Memorandum of Agreement. Participation in this program reduces effects of prescribed burning on air quality by improving communications and coordination of prescribed burning to avoid adverse cumulative effects, and restricting prescribed burning to conditions when smoke dispersal would be optimal. Dust generated from proposed road related activities and increased vehicle traffic from logging operations could temporarily cumulatively affect air quality in conjunction with



other present and future activities, but this effect would be localized within a small geographical area immediately surrounding each road.

**8. *THE ACTION WILL HAVE NO SIGNIFICANT ADVERSE EFFECT ON DISTRICTS, SITES, HIGHWAYS, STRUCTURES, OR OBJECTS LISTED IN OR ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. THE ACTION WILL ALSO NOT CAUSE LOSS OR DESTRUCTION OF SIGNIFICANT SCIENTIFIC, CULTURAL, OR HISTORICAL RESOURCES.***

A comprehensive evaluation of heritage resources was conducted and the implementation of protection/mitigation measures results in a “no adverse effect” determination from the State Historic Preservation Office (SHPO) (EA, pages 3-313 to 3-317, Project Record, 5.I-0003). The recommendations provided in the Heritage Resources section of the EA regarding the preservation and protection of significant cultural resources, consultation with the Nez Perce Tribe and SHPO, and the necessary additional surveys, are consistent with the Nez Perce National Forest Plan as amended. The District Ranger met with Tribal staff most recently in October 2006 to provide up to date information on the project.

The Clearwater Ranger District consulted with the Nez Perce Tribe about this project, and they expressed concerns on July 7, 2004 with the proposed action regarding potential impacts to anadromous and resident fish from activities such as logging, burning, and road building, the South Fork Clearwater River, water quality and quantity, timing of water delivery, sediment delivery, channel morphology, water temperature, streamside riparian zones, noxious weeds, and old growth (Project Record, 2.g.iii-0014). They also expressed concerns regarding cumulative effects, road construction effects to watershed quality, the proposed amendment, the purpose and need, timber harvest (species selection and unit distribution), and prescribed burns (tree age, slash treatment) (Project Record, 2.g.iii-0014). They asked the Forest Service to analyze the impacts of the Blacktail Fuels Reduction project on the ability of tribal members to exercise their treaty rights, especially fish, wildlife, cultural plants, and their habitats (Project Record, 2.g.iii-0014).

The Forest Service developed an alternative that responded to the Tribe’s concerns (EA, pages 2-29 to 2-41), and analyzed effects on soil resources, watershed, fisheries, wildlife, rare plants, weeds and non-native vegetation, air quality, heritage resources, recreation and scenery management, transportation system, and socio-economics for all the alternatives in the Blacktail Fuels Reduction EA. Given the opportunity to comment on the EA in August 2007, the Nez Perce Tribe revealed no additional concerns.

**9. *THE ACTION WILL NOT ADVERSELY AFFECT ANY ENDANGERED OR THREATENED SPECIES OR ITS HABITAT THAT HAS BEEN DETERMINED TO BE CRITICAL UNDER THE ENDANGERED SPECIES ACT OF 1973.***

Alternative 3 will not significantly adversely affect threatened or endangered species or their habitat (EA, page 3-355). Alternative 3:

- May affect but is not likely to adversely affect steelhead trout (proposed critical habitat) and bull trout (EA, Chapter III, Section 3.7 Fisheries; Project Record, 3.a-0019, 3.a-0020, and 5.a-0008);
- Will have no affect to fall chinook salmon (designated critical habitat) (EA, Chapter III, Section 3.7 Fisheries; Project Record, 3.a-0019, 3.a-0020, and 5.a-0008);
- May impact individuals, but is not likely to cause loss of viability or lead to ESA listing for spring chinook salmon, westslope cutthroat trout, and Pacific lamprey (EA, Chapter III, Section 3.7 Fisheries; Project Record, 3.a-0019, 3.a-0020, and 5.a-0008);



- May affect but is not likely to adversely affect bald eagles or Canada lynx (EA, Chapter III, Section 3.8 Wildlife; Supplement and Errata List, page 14; Project Record, 3.a-0020, and 5.a-0008);
- Is not likely to jeopardized continued existence of the gray wolf (EA, Chapter III, Section 3.8 Wildlife; Supplement and Errata List, page 14; Project Record, 3.a-0020, and 5.a-0008);
- Will have no effect on grizzly bears (EA, Chapter III, Section 3.8 Wildlife, Supplement and Errata List, page 14; Project Record, 3.a-0020, and 5.a-0008);
- Will not adversely affect viability of existing sensitive plant populations (EA, Chapter III, Section 3.9 Rare Plants; Project Record, 5.a-0008); and
- Will have no effect on any threatened, endangered or proposed plant species because there are no occurrences or habitat of these species in the project area (EA, Chapter III, Section 3.9 Rare Plants; Project Record, 5.a-0008).

**10. THE ACTION WILL NOT VIOLATE FEDERAL, STATE, AND LOCAL LAWS OR REQUIREMENTS FOR THE PROTECTION OF THE ENVIRONMENT. APPLICABLE LAWS AND REGULATIONS WERE CONSIDERED IN THE EA. THE ACTION IS CONSISTENT WITH THE NEZ PERCE NATIONAL FOREST PLAN.**

My decision is consistent with all laws, regulations, and agency policy relevant to the Blacktail Fuels Reduction project. The following discussion is not an all-inclusive listing, but is intended to provide information on areas raised as issues or comments by the public or other agencies.

Alternative 3 meets federal, state, and local laws for air quality (EA, pages 3-312, and 3-355), heritage resources or cultural sites (EA, pages 3-317, 3-355, and 3-356), water quality (EA, pages 3-196, and 3-355), Threatened and Endangered species (EA, pages 3-227, 3-272, 3-355, and 3-356), noxious weeds (EA, pages 3-305 to 3-306), and fisheries (EA, pages 3-226 to 3-227). It also meets National Environmental Policy Act disclosure requirements (Blacktail Fuels Reduction EA and this Finding of No Significant Impact).

The proposed action is consistent with the Nez Perce National Forest Plan and the National Forest Management Act (NFMA).

### Nez Perce National Forest Plan

This decision to implement Alternative 3 is consistent with the intent of the forest plan's long term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for the applicable Management Areas that occur within the Blacktail Fuels Reduction project area described in the EA (EA, page 1-10). Specific and applicable standards and guidelines that help guide the intensity, timing and extent of the activities included in this decision are identified in the Nez Perce National Forest Plan.

This proposal requires one non-significant Forest Plan amendment. This amendment is fully consistent with the goals and objectives of the Nez Perce Forest Plan because the amendment imposes a standard to maintain soil productivity and allow activities which will restore areas with pre-existing detrimental soil disturbance. These activities will respond both directly and indirectly to the Forest Plan goal and objectives for soils. The activities will not inhibit achievement of the Forest Plan goal/objective. This amendment will allow a net improvement in soil condition in the units treated with prior impacts.

### National Forest Management Act [at 16 U.S.C. 1604(i)]

The National Forest Management Act and accompanying regulations require that several specific findings be documented at the project level.

**Forest Plan Consistency [16 U.S.C. 1604(i)]** – All resource plans must be consistent with the Forest Plan goals, objectives and standards. Forest Plan goals, objectives and standards are displayed



throughout the Blacktail Fuels Reduction EA. Consistency with these goals, objectives and standards is addressed most specifically in Chapters I, II, and III of the EA.

***Suitability for Timber Production [16 U.S.C. 1604(k)]*** - No timber harvest, other than salvage sales to protect other multiple values, shall occur on lands not suited for timber production. No timber harvest would be scheduled on unsuitable land with this decision. Lands not suitable for timber production in the project area have not been identified (36 CFR 219.12 a(2)).

## ***Vegetation Management Requirements (FSM 1921.12).***

The minimum specific management requirements for projects and activities that must be met in carrying out projects and activities for the National Forest System (NFS) are set forth in this section. Under 16 U.S.C. 1604 (g)(3)(E), a Responsible Official may authorize site-specific projects and activities to harvest timber on NFS lands only where:

***(i) Soil, slope, or other watershed conditions will not be irreversibly damaged.*** Mechanical fuel treatments are not expected to result in irreversible damage to soil, slope, or watershed conditions [EA, pages 3-108 to 3-110, and 3-153 to 3-154 (summaries)].

***(ii) There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (FSM 1921.12g).*** Openings will be restocked within five years after harvest (EA, page 2-32).

***(iii) Streams, streambanks, shorelines, lakes, wetlands, and other bodies of water are protected from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions or fish habitat.*** The proposed harvests will not seriously or adversely affect water conditions or fish habitat [EA, pages 3-153 to 3-154, and 3-203(summaries)].

***(iv) The harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber.*** The proposed harvest system does not produce the greatest dollar return or the greatest unit output of timber (EA, Purpose and Need, page 1-4 to 1-7). Retention of the largest and healthiest trees will be maximized in all commercial thin treatment units, and removal will largely focus on small diameter trees (EA, page 2-35).

A Responsible Official may authorize projects and activities on NFS lands using cutting methods, such as clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber, only where:

***(i) For clearcutting, it is the optimum method; or where seed tree, shelterwood, and other cuts are determined to be appropriate to meeting the objectives and requirements of the relevant plan [16 U.S.C. 1604 (g)(3)(F)(i)].*** Regeneration harvest, specifically clearcut with reserves, is being proposed for one ten acre timber stand. This ten-acre lodgepole pine stand has overstory trees that are 80 to 100 years old. Without treatment, succession would continue, and the stand would transition to grand fir. The timber stand will be clearcut (removing most of the merchantable, overstory trees), followed by an activity fuels reduction treatment that will reduce the amount of slash and down fuel left in the stand and remove the unmerchantable, understory trees. The proposed regeneration harvest is appropriate to meet the objectives and requirements of the Nez Perce Forest Plan (EA, Purpose and Need, page 1-4 to 1-7).

***(ii) The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts have been assessed on each advertised sale area and the cutting methods are consistent with the multiple use of the general area [16 U.S.C. 1604 (g)(3)(F)(ii)].*** An interdisciplinary team reviewed and assessed the project. Their findings are reported in detail in the Blacktail Fuels Reduction EA and project record.

***(iii) Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain [16 U.S.C. 1604 (g)(3)(F)(iii)].*** The adopted visual quality objectives for the project area will be met through project design (EA, page 3-320). Harvest units will be blended to the extent practicable with the natural terrain (EA, Mitigation Measures K and L, page 2-41).



**(iv) Cuts are carried out according to the maximum size limit requirements for areas to be cut during one harvest operation (FSM 1921.12e).** The opening size limitations for even-aged management will be met, as only 10 acres of regeneration harvest is proposed. (Northern Region FSM 2471.1; EA, page 2-29).

**(v) Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, esthetic resources, cultural and historic resources, and the regeneration of timber resources.** The proposed timber harvest will be carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource [EA, pages 3-108 to 3-110, 3-153 to 3-154, 3-203, 3-231 to 3-232, and 3-320 to 3-321 (summaries), and 2-32].

**(vi) Stands of trees are harvested according to requirements for culmination of mean annual increment of growth ([16 U.S.C. 1604 (m)]; FSM 1921.12f; FSH 1909.12, ch. 60).** The purpose of harvest is to reduce existing fuel loads. Culmination of mean annual increment of growth does not apply to intermediate harvesting.

### Healthy Forests Restoration Act (HFRA)

The Blacktail Fuels Reduction project meets the requirements of an authorized hazardous-fuel reduction project, under the Healthy Forests Restoration Act, Section 102 (a)(1)(2)&(3). Section 1.5.4 of the EA documents compliance of the Blacktail Fuels Reduction project with the HFRA (EA, pages 1-12 to 1-13).

### Alaska National Interest Lands Conservation Act (ANILCA)

The Alaska National Interest Lands Conservation Act (ANILCA) assures access to non-federally-owned lands within the boundaries of the National Forest System as is deemed adequate to secure reasonable use. Alternative 3 is in compliance with ANILCA. The planned road decommissioning (17.6 miles) would not restrict access to non-federally owned land. Travel from non-federally owned land to federally owned land would not be changed from the existing access prescriptions for that road or trail.

### Clean Air Act

Proposed burning activities would comply with state and federal air quality regulations (EA, page 3-312). Compliance with procedures outlined in the North Idaho Smoke Management Memorandum of Agreement would result in no long term impacts. These measures protect air quality and comply with the rules, regulations, and permit procedures of the EPA and the IDEQ.

### Clean Water Act

The objective of the Clean Water Act is to "...restore and maintain the chemical, physical, and biological integrity of the nation's waters." One of the Act's goals is to "...provide for the protection and propagation of fish, shellfish, and wildlife" and provide for "...recreation in and on the water" (33 U.S.C. 466 et seq., Title I, Section 101). Based on the analysis disclosed in this document, Alternative 3 complies with the Clean Water Act. This project includes design and mitigation measures to ensure management activities maintain or improve watershed condition (EA, pages 2-35 to 2-41). These features, including best management practices, are designed to maintain or improve soil, water, riparian and aquatic resources, including beneficial uses. Cumulatively this direction would ensure continued compliance with the Clean Water Act (EA, Chapter III, Section 3.6 and Section 3.7).

The South Fork Clearwater Subbasin Assessment and Total Maximum Daily Load (TMDL) addresses water-quality-limited streams listed under Section 303(d) of the Clean Water Act. The TMDL was approved by the EPA in July 2004. The entire project area contributes to the South Fork Clearwater River, which is Section 303(d) listed for water temperature and sediment. Alternative 3 complies with implementation guidelines under the South Fork Clearwater River TMDLs for sediment and water temperature.

Alternative 3 will comply with applicable Clean Water Act and Idaho State Water Quality Standards through the application of project design and mitigation measures, and best management practices. An





in-depth discussion of the effects of the project on aquatic resources is located in the EA Section 3.6 Watershed and Section 3.7 Fisheries.

### Environmental Justice (Executive Order 12898)

Executive Order 12898 (59 Fed. Register 7629, 1994) directs federal agencies to identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. Executive Order 12898 requires an analysis of the impacts of the proposed action and alternatives to the proposed action on minority and low-income populations. It is designed in part "...to identify, prevent, and/or mitigate, to the greatest extent practicable, disproportionately high and adverse human health or environmental effects of USDA programs and activities on minority and low income populations."

I have reviewed the effects of the Alternative 3 and find that these actions would have no disproportionate impacts on individual groups of peoples or communities. Implementation of the selected action would produce no adverse effects on minorities, Native Americans, or women. No civil liberties of American Citizens would be affected. Project specific consultations were held with the Nez Perce Tribe which holds treaty rights for hunting, fishing, and other activities on the Nez Perce National Forest (Response to Public Comments, Tribal Correspondence). The implementation of this project is expected to provide employment opportunities (EA, Section 3.15 Socio-Economics) in communities such as Elk City, Grangeville, Kooskia, Kamiah, Cottonwood, and Lapwai, Idaho. Some of these communities include minority populations that may benefit from the economic effects.

Based upon the analysis disclosed in this document, Alternative 3 is in compliance with Executive Order 12898.

### Floodplains and Wetlands (Executive Orders 11988 & 11990)

Executive Orders 11988 and 11990 pertain to floodplain management and protection of wetlands. Alternative 3 has project design and mitigation measures, and restoration activities that are expected to meet the intent and assist in the attainment of the objectives of these Executive Orders.

Alternative 3 is not expected to negatively change the functions or values of wetlands and floodplains as they relate to protection of human health, safety, and welfare; preventing the loss of property values, and; maintaining natural systems. Direct and indirect effects would occur on wetland areas and within stream floodplains during replacement and/or removal of culverts/log bridges on existing roads. However these effects, both undesirable and beneficial, are expected to be insignificant. All wetlands would be protected through design features such as riparian conservation areas which conform with Executive Order 11990.

Riparian and floodplain function would be restored during streamside road decommissioning. Some human-created compacted and/or saturated areas that currently support riparian plant species on old landings, skid trails and roads may be altered in the soil restoration and road decommissioning projects. The functionality and distribution of natural wetlands should be enhanced with these activities. Any activities within wetlands or floodplains would also require consultation with the Environmental Protection Agency (EPA) and Army Corps of Engineers through the Dredge and Fill (404) permitting process (EA, page 4-3). The goals of Executive Orders 11988 and 11990 would be met.

## 1.3 IMPLEMENTATION DATE

Implementation may begin immediately after publication of this Finding of No Significant Impact (FONSI) and Decision Notice.



## 1.4 ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

The Blacktail Fuels Reduction EA was analyzed under the Healthy Forest Restoration Act (HFRA) authority and thus is not subject to appeal procedures in 36 CFR Part 215 (36 CFR Part 218.3).

HFRA Section 105(a) of the HFRA replaces the USDA Forest Service's administrative appeals process with an objection process. A 30-day objection process for the Blacktail Fuels Reduction project was initiated on August 27, 2007 with the issuance of a legal notice of the EA in the newspaper of record (Project Record, 2.b-0008). On September 26, 2007, an objection was received from the Idaho Conservation League, and a second one was received from Friends of the Clearwater and Alliance for the Wild Rockies. All requirements for response to the objections by the reviewing officer have been met.

## 1.5 CONTACT

For additional information concerning this decision, contact Barry Ruklic, Team Leader, or Darcy Pederson, District Ranger, at the Clearwater Ranger District, 104 Airport Road, Grangeville, Idaho 83530, or by phone [(208) 983-1950].

/s/ Jane L. Cottrell

2/1/08

JANE L. COTTRELL  
Forest Supervisor  
Nez Perce National Forest

DATE

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